

ENTERED

September 08, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEVIN R. GOLDEN, § CIVIL ACTION NO
Plaintiff, § 4:24-cv-04093
§
§
vs. § JUDGE CHARLES ESKRIDGE
§
§
WESTLAKE FINANCE §
SERVICES, LLC and §
WESTLAKE DIRECT, LLC, §
Defendants. §

**ORDER ADOPTING
MEMORANDA AND RECOMMENDATIONS**

Plaintiff Kevin R. Golden proceeds here *pro se*. He filed a complaint against Defendants Westlake Finance Services, LLC, and Westlake Direct, LLC, asserting violations of the Truth in Lending Act, the Fair Credit Billing Act, the Americans with Disabilities Act, and the Texas Deceptive Trade Practices Act. Dkt 16 at ¶¶1–5, 8. He also states claims for breach of contract and fraudulent misrepresentation under Texas law. Id at ¶¶6–7. The complaint appears to seek injunctive relief as well as compensatory and punitive damages. Id at 42.

The matter was referred for disposition to Magistrate Judge Richard Bennett. Dkt 5. A prior motion by Plaintiff for a preliminary injunction with respect to the TILA and FCBA claims was previously denied upon his recommendation. Dkt 52; see Dkt 28 (motion).

Defendants filed a motion to dismiss as to all claims. Dkt 20. Plaintiff filed three motions for leave to file a second amended complaint in response. Dkts 25, 41 & 54. He also filed a “motion to object to Defendants’ FRCP 12(b)

claims pursuant to plaintiff's amended complaint." Dkt 26. Defendants moved to strike this motion. Dkt. 29.

Judge Bennett issued a Memorandum and Recommendation in which he granted Plaintiff's most recent motion for leave to amend and recommended that Defendants' motion to dismiss be denied as moot. Dkt 61.

Plaintiff also filed a motion for hearing for default judgment. Dkt 37. Judge Bennett issued a second Memorandum and Recommendation, recommending that it be denied. Dkt 62.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

No party filed objections. No clear error appears upon review and consideration of the Memoranda and Recommendations, the record, and the applicable law.

The Memoranda and Recommendations of the Magistrate Judge are ADOPTED as the Memorandum and Order of this Court. Dkts 61 & 62.

The motion by Defendants Westlake Finance Services, LLC and Westlake Direct, LLC, to dismiss this action is DENIED AS MOOT. Dkt 20.

The motion by Plaintiff Kevin R. Golden for hearing for default judgment is DENIED. Dkt 37.

SO ORDERED.

Signed on September 8, 2025, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge